

EXHIBIT 13



U.S. Department of Justice

Special Counsel's Office

May 23, 2024

Todd Blanche, Esq.
Emil Bove, Esq.
Stephen Weiss, Esq.
Blanche Law
Via email

Chris Kise, Esq.
Chris Kise & Associates, P.A.
Via email

Re: *United States v. Donald J. Trump, et al.*, Case No. 23-CR-80101(s)

Dear Counsel:

Pursuant to the Protective Order entered in this matter on June 19, 2023 (ECF No. 27), the Government hereby makes its fifteenth production of unclassified discovery in this case ("Production 15"). As further described below, Production 15 includes material in response to your May 4, 2024 discovery letter, notwithstanding our position that such production exceeds our current discovery obligations, as well as other material.

Discovery Production 15 – 5/23/2024, consisting of material in the Bates range USA-01291233 through USA-01291689, is available in load-ready format through the link below. To facilitate your review of Production 15, please find a Discovery Log included as Attachment A, which denotes by Bates range the source of the material. If you prefer to receive this production on a hard drive, please let us know, and we will accommodate that request. The link to this production is:

[REDACTED]

For ease of use, the link above is also being provided via email. We will provide the password to access the production through the link under separate cover. Please note that the download link for Production 15 expires 180 days from yesterday (i.e., November 18, 2024). Should you have any questions about how to access the production, or difficulty doing so, please contact us. If necessary, we will make our paralegal and/or litigation support staff available to answer questions and help facilitate your access to the production.

Response to May 4, 2024 Discovery Letter

Your May 4, 2024 discovery letter makes 13 discovery requests. Many of your requests call for information that has already been produced. The Government refers to those specific documents below by their beginning Bates number.

As we explained in our October 16, 2023 response to your October 9 discovery letter, we disagree with your overly broad definition of the prosecution team. Because your requests often overlap, we group them in our responses below.

- Requests **1, 2, and 3** call for documents relating to instructions provided to the investigative and filter teams (Requests 1 and 2) and communications between the teams relating to the search (Request 3). The Government has already produced all responsive material to which the defense is entitled, including the affidavit in support of the warrant to search Mar-a-Lago (USA-00395043), which includes the applicable filter protocols; the operations plan for execution of the search warrant (USA-01285174); information from the proceedings in *Trump v. United States*, Case No. 22-81294-CIV-CANNON (S.D. Fla.) (e.g., USA-00316160); and certain agent email communications from August 8, 2022 (e.g., USA-00940279, USA-01287328). In addition, we are producing to you with this letter (1) early Jencks material regarding the filter team's activities during the search (at USA-01291274 to USA-01291280 and USA-01291465 to USA-01291477); (2) early Jencks material in the form of agent email communications from on or about August 8, 2022 (at USA-01291491 to USA-01291570); and (3) other records that the investigative team recently received regarding the filter team's role during the search and the immediate aftermath (at USA-01291233 to USA-01291249, USA-01291253, and USA-01291478 to USA-01291489). The Government will timely satisfy its remaining Jencks Act obligations in advance of trial.
- Requests **4, 5, and 11** call for documents relating to chain of custody for August 8 and 9, 2022, for boxes that the Government obtained from Mar-a-Lago, and personnel who have had access to the boxes since they were seized. The Government has already produced all responsive material to which the defense is entitled, including chain of custody documentation (e.g., USA-00042403-USA-00042412, USA-00042415-USA-00042480, USA-00042483-USA-00042517, USA-00042520-USA-00042560, and USA-00042563-USA-00042576). In addition, we are producing to you with this letter information relating to defendant De Oliveira's and defendant Nauta's counsel's March 12, 2023 review of some of the boxes (at USA-01291571 to USA-01291585), and, even though you did not specifically request it, updated chain of custody information, where it exists, for the boxes seized on August 8, 2022 (at USA-01291294 to USA-01291463).
- Requests **6, 7, 8, and 9** relate to the use of placeholder sheets to mark the presence of classified documents in boxes. As to each of these requests, the Government has already produced all responsive material to which the defense is entitled. There are placeholder sheets in boxes, which were produced to you in unclassified discovery (through the scans of the boxes created during the civil litigation cited above), that represent all but four classified documents seized on August 8, 2022. Those four documents are identified by

FBI index code *bbb* (which bears no classification markings); *zzzz* and *aaaaa* (both of which were found after August 8 in boxes containing potentially privileged material); and *a* (a document found in a drawer rather than a box). We are also producing to you with this letter documents related to the scanning procedure implemented during the civil litigation (at USA-01291254 to USA-01291268, USA-01291285 to USA-01291293, and USA-01291490).

- Requests **10, 12 and 13** relate to steps taken to keep items within boxes (Request 10), the order of the items within each box (Request 12), and documents relating to statements in the Government's May 3, 2024 filing (Request 13). The Government has already produced all responsive material to which the defense is entitled and includes additional material, discussed above, in Production 15. As is apparent from this material, the FBI did not move any items between boxes during the search, nor has anyone done so since.

Additional Material

Production 15 also includes notes from a potential Government witness that the Government recently obtained. As Mr. Blanche is aware from his role as one of former President Trump's PRA representatives, earlier this year, NARA received some additional notes from **Per. 40** [REDACTED]. After complying with the PRA notification process, NARA has now provided those notes to the Government, which we are producing in discovery.

Scope of Discovery

The Government's multiple productions meet and exceed our obligations under Rule 16 of the Federal Rules of Criminal Procedure, the Jencks Act (18 U.S.C. § 3500), or *Brady, Giglio*, and their progeny. The production of non-discoverable material does not obligate the Government to provide other non-discoverable material, and the fact that certain non-discoverable material is provided should not be taken as a representation as to the existence or non-existence of any other non-discoverable material.

Request for Reciprocal Discovery

By this letter, the Government also reiterates its prior requests for reciprocal discovery pursuant to Rule 16(b)(1) of the Federal Rules of Criminal Procedure and Local Rule 88.10.

If you have any questions, please feel free to contact us.

Yours truly,

JACK SMITH
Special Counsel

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Enclosure:
Attachment A (Discovery Log)

ATTACHMENT A
***United States v. Donald J. Trump, et. al.*, Case No. 23-CR-80101**
Discovery Production 15 – 5/23/2024
Discovery Log

Source	Bates/Control #	End Bates/Control #
FBI Documentation	USA-01291233	USA-01291253
FBI Forms	USA-01291254	USA-01291489
FBI Materials – Communications	USA-01291490	USA-01291570
FBI Misc – Defense Box Review	USA-01291571	USA-01291585
NARA	USA-01291586	USA-01291689